

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

Harrisonburg Division

IN RE: WAYNE ALAN MARTONCIK, II
MELISSA MARIE MARTONCIK

Case No. 09-50056

Debtors

Chapter 7

**MOTION FOR AUTHORITY TO SELL
PERSONAL PROPERTY**

Comes now John G. Leake, Trustee, by counsel, and for this motion says:

1. He is the duly appointed trustee of this Chapter 7 case filed on January 16, 2009.
2. The estate owns a 1991 Baha race boat with an inboard engine. The value of the asset is unknown, but it is believed by the Trustee's auctioneer to be substantial, and no liens appear to encumber the asset.
3. The estate also owns the trailer to the Baha boat, although the Trustee is in the process of attempting to locate the certificate of title. No liens are believed to rest against the title.
4. The estate includes as an asset 1000 shares in AWM Homes, having a scheduled value of zero. According to records of the State Corporation Commission of Virginia, AWM Homes, Inc. is a corporation in good standing and Melissa Martoncik is the registered agent. Upon information and belief, the corporation is a wholly-owned asset of the estate.
5. The Trustee is aware of the location and has access to a flatbed trailer that is titled in the name of AWM Homes, Inc. and has been assigned in blank on behalf of that company by both of the debtors. The Trustee seeks to sell all three assets, the race boat and the two trailers,

at public auction without reserve using the services of G. R. "Dick" Heatwole to be employed under separate application.

WHEREFORE, John G. Leake, Trustee, respectfully requests the entry of an Order authorizing him to sell the Baha race boat, the trailer for the boat, and the flatbed trailer at public auction without reserve, and for further appropriate relief.

JOHN G. LEAKE, TRUSTEE

By Counsel

/S/ Dale A. Davenport
Dale A. Davenport, Esquire – VSB #016268
HOOVER PENROD PLC
342 South Main Street
Harrisonburg, VA 22801
Counsel for the Trustee
(540) 433-2444
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KINDLY TAKE NOTICE that the foregoing Motion will be heard on **Wednesday, January 6, 2010, at 10:00 a.m. in the Federal Courtroom, Third Floor, United States Courthouse, 116 North Main Street, Harrisonburg, Virginia.**

CERTIFICATE

I hereby certify that a copy of the foregoing Motion was mailed by first-class mail, postage prepaid, to Wayne Alan Martoncik, II and Melissa Marie Martoncik, 3458 Zepp Road, Maurertown, VA 22644, debtors, to David W. Earman, Esquire, 57 South Main Street, Suite 206, Harrisonburg, VA 22801, counsel for the debtors, to the Office of the U. S. Trustee, First Campbell Square Building, 210 First Street, Suite 505, Roanoke, VA 24011, and to all parties listed on the mailing matrix maintained by the Clerk, on the 11th day of December, 2009.

/S/ Dale A. Davenport
Dale A. Davenport